IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
Christopher Vienneau et al.	)	Examiner: Nicholas Augustine
Serial No.: 10/619,758	)	Group Art Unit: 2179
Filed: July 15, 2003	)	Appeal No.: _____
Title: PROCESSING IMAGE DATA	)	

BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated July 28, 2009.

Please charge the amount of $540.00 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §41.37(a)(2) and 37 CFR §41.20(b)(2) to the credit card accompanying this submission. Also, please charge any additional fees or credit any overpayments to Deposit Account 50-0494 of Gates & Cooper LLP.

I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-32 are pending in the application.

Claims 1-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Trinh et al., U.S. Publication 2002/0051005 (Trinh).

The rejection of all of the claims is appealed herein.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 14, 27, and 31 are generally directed to selecting nodes relevant to a graphical image component. More specifically, a plurality of processing nodes are used to produce and display a first image frame (of a clip of image frames) wherein a plurality of image components makes up the first image frame. Further, the first image frame is generated by processing the plurality of data processing nodes. The user then indicates/selects a particular image component from the displayed image components. In response to the indicating/selecting, the system automatically selects a particular data processing node that is considered appropriate for the indicated/selected image component. Thereafter, editing tools that are relevant to the particular selected processing node are displayed.

Support in the specification and drawings for the independent claims are shown in the following table:

CLAIM LIMITATION	SPECIFICATION/DRAWING SUPPORT
1. Apparatus for processing image data comprising processing means, input means and display means, wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure and said processing means is configured to perform the steps of:	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 7-; 701-714; [0060]-P14,L21- L24.
generating a first image frame of a clip of	FIG. 4-403; FIG. 5-501-503; [0050]-[0051]-

image frames, wherein a plurality of image components makes up the first image frame, by means of processing said plurality of data processing nodes;	P12,L1-13; FIG. 8; [0065]-[0074]-P16,L22-P20,L7;
outputting said first image frame to said display means;	[0051]-P12, L5-13; FIG. 5-503; FIG. 6; [0054]-P13,L6-10; [0082]-P22,L8-15; FIG. 10
receiving, via said input means, first user input data indicating one of said plurality of image components;	[0089]-P24,L18-P25,L1; FIG. 11-1101;
in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated image component; and	[0089]-P24,L18-P25,L1; FIG. 11-1101-1103; [0091]-P25,L10-16; FIGs. 11a-11b; [0097]-P27,L15-24; [0099]-P28,L14-P29,L2; [0114]-[0115]-P34,L21-P35,L6; FIG. 14;
displaying editing tools relevant to said first data processing node.	FIG. 11-1103; [0091]-P25,L10-16; [0116]-[0117]-P35,L8-P36,L10; FIG. 14-15
14. A method of processing image data, wherein:	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 7-; 701-714; [0060]-P14,L21- L24.
an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, and wherein said image frame is generated by processing a plurality of data processing nodes arranged in a hierarchical structure;	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 5-501-503; [0050]-[0051]-P12,L1-13; FIG. 7-; 701-714; [0060]-P14,L21- L24; FIG. 8; [0065]-[0074]-P16,L22-P20,L7;
said image frame is displayed to a user;	[0051]-P12, L5-13; FIG. 5-503; FIG. 6; [0054]-

	P13,L6-10; [0082]-P22,L8-15; FIG. 10
said user manually selects one of said plurality of image components for adjusting;	[0089]-P24,L18-P25,L1; FIG. 11-1101;
in response to said selecting, a first data processing node considered to be appropriate to said image component is automatically selected; and	[0089]-P24,L18-P25,L1; FIG. 11-1101-1103; [0091]-P25,L10-16; FIGs. 11a-11b; [0097]-P27,L15-24; [0099]-P28,L14-P29,L2; [0114]-[0115]-P34,L21-P35,L6; FIG. 14;
editing tools relevant to said first data processing node are displayed to said user.	FIG. 11-1103; [0091]-P25,L10-16; [0116]-[0117]-P35,L8-P36,L10; FIG. 14-15
27. In a computer system having a graphical user interface including a display and a user interface selection device, a method of processing image data, wherein	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 7-; 701-714; [0060]-P14,L21- L24.
an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, and wherein the image frame is generated by processing a plurality of data processing nodes arranged in a hierarchical structure;	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 5-501-503; [0050]-[0051]-P12,L1-13; FIG. 7-; 701-714; [0060]-P14,L21- L24; FIG. 8; [0065]-[0074]-P16,L22-P20,L7;
said image frame is displayed to a user by means of said display;	[0051]-P12, L5-13; FIG. 5-503; FIG. 6; [0054]-P13,L6-10; [0082]-P22,L8-15; FIG. 10
said system responds to manual operation of said user interface selection device when said user manually selects one of said plurality of image components for adjusting;	[0089]-P24,L18-P25,L1; FIG. 11-1101;
in response to said manual selection, said	[0089]-P24,L18-P25,L1; FIG. 11-1101-1103;

system automatically identifies a first data processing node considered to be appropriate to the image component that has been selected; and	[0091]-P25,L10-16; FIGs. 11a-11b; [0097]-P27,L15-24; [0099]-P28,L14-P29,L2; [0114]-[0115]-P34,L21-P35,L6; FIG. 14;
said system updates said graphical user interface to present editing tools relevant to said first data processing node.	FIG. 11-1103; [0091]-P25,L10-16; [0116]-[0117]-P35,L8-P36,L10; FIG. 14-15
31. A computer-readable medium comprising a computer program storage device storing instructions that when read and executed by a computer, results in the computer performing a method for processing image data, the method comprising:	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 7-; 701-714; [0060]-P14,L21- L24.
generating an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, by processing a plurality of data processing nodes arranged in a hierarchical structure;	[0001]-P1,L5-6; FIG. 1-108, 105, 106, 103; [0032]-[0033]-P5,L20-P6,L16; FIG. 2-201,202; [0034]-P6,L18-P7,L5; [0036]-P7,L18-P8,L1; [0044]-P10,L1-12; FIG. 4-403; FIG. 5-501-503; [0050]-[0051]-P12,L1-13; FIG. 7-; 701-714; [0060]-P14,L21- L24; FIG. 8; [0065]-[0074]-P16,L22-P20,L7;
displaying said image frame to a user;	[0051]-P12, L5-13; FIG. 5-503; FIG. 6; [0054]-P13,L6-10; [0082]-P22,L8-15; FIG. 10
responding to a user's manual selection of one of said plurality of image components for adjustment;	[0089]-P24,L18-P25,L1; FIG. 11-1101;
in response to said selection, automatically identifying a first data processing node considered to be appropriate to said image component that has been selected; and	[0089]-P24,L18-P25,L1; FIG. 11-1101-1103; [0091]-P25,L10-16; FIGs. 11a-11b; [0097]-P27,L15-24; [0099]-P28,L14-P29,L2; [0114]-[0115]-P34,L21-P35,L6; FIG. 14;

presenting editing tools relevant to said first data processing node to said user.	FIG. 11-1103; [0091]-P25,L10-16; [0116]-[0117]-P35,L8-P36,L10; FIG. 14-15

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-32 are unpatentable under 35 U.S.C. §102(b) as being anticipated by Trinh.

VII. ARGUMENT

A. Claims 1-32 are Patentable under 35 U.S.C. §102(b) in view of Trinh.

1. Independent Claims 1, 14, 27, and 31

Appellants traverse the rejections of independent claims 1, 14, 27, and 31 for at least one or more of the following reasons:

(1) Trinh does not teach, disclose or suggest selecting a data processing node considered to be appropriate to a selected/indicated image component;

(2) Trinh does not teach, disclose or suggest performing the selecting of a node in response to a user selecting/indicating a specific image component of an image frame; and

(3) Trinh does not teach, disclose or suggest displaying editing tools relevant to an identified node.

As described above, independent claims 1, 14, 27, and 31 are generally directed to selecting nodes relevant to a graphical image component. More specifically, a plurality of processing nodes are used to produce and display a first image frame (of a clip of image frames) wherein a plurality of image components makes up the first image frame. Further, the first image frame is generated by processing the plurality of data processing nodes. The user then indicates/selects a particular image component from the displayed image components. In response to the indicating/selecting, the system automatically selects a particular data processing node that is considered appropriate for the indicated/selected image component. Thereafter, editing tools that are relevant to the particular selected processing node are displayed.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

In rejecting the selecting and displaying steps, prior Office Actions relied solely on paragraph [0056] of Trinh which provides as follows:

> [0056] The render process 1003 commences with the application of the steps of FIG. 11 to the output node 813. Within the flowchart, the same steps are recursively applied to other nodes in the process tree 800, as necessary. At step 1101 the node receives an output frame requirement in the form of a request for a particular frame. The frame is requested by specifying a frame number, that is relative to the first frame of the output clip. This frame number is supplied to the requirement processing 823 of the selected node. At step 1102 a question is asked as to whether the output buffer 822 is valid for the requested frame number. If the output buffer contents are valid for that frame number, this completes rendering for the selected node.

As can be seen from this text, Trinh provides for receiving an output frame requirement in the form of a request for a particular frame number. If the output buffer is valid for the request frame number, rendering for a selected node is completed. Such a teaching is not even remotely relevant to the presently claimed limitations for which it is relied upon. Namely, nowhere is there a selection of a component of an image frame. Instead, Trinh specifies a frame number.

In addition, the present claim limitation provides that in response to such a selection, a processing node is selected. Instead of teaching such a limitation, Trinh provides for specifying a frame number that is equivalent to an output frame requirement for a particular node. Such a teaching is not a selection for a node based on a selection of an image component of an image frame.

Lastly, the present claims provide for displaying editing tools that are relevant to the data processing node that has been identified. Nowhere in paragraph [0056] or the remainder of Trinh is there any such display of relevant editing tools as claimed.

In view of the above, Applicants submit that there is no possible manner for Trinh to render the present claims as lacking novelty under 35 USC §102. Accordingly, the rejection fails to set forth a prima facie rejection and is in error. In addition, for the reasons stated above, Trinh also fails to render the present claims obvious under 35 USC §103.

In addition, Applicants note that the component referred to in Trinh (i.e., in paragraph [0046] relied upon to reject the "component" claim element) is that of transport controls 711 which enable the user to select frames for rendering. Applicants submit that transport controls that allow a

user to fast forward and play frames are not even remotely similar to an image component of an image frame. As claimed, the first image frame is of a clip of image frames and is not something that is used to select or play frames. Further, as amended, the plurality of image components makes up the first image frame. Thus, any component of the image frame is part of the image frame itself. Transport controls used to select a frame for rendering does not make up the image frame itself which is part of a clip of image frames. If one attempts to read such controls on the current claims, then the image frame would have to be deemed to include the controls themselves. However, since the present claims provide that the image frame is of a clip of image frames and the components actually make up the image frame, such an interpretation is impossible.

Applicants further note that the claims explicitly provide that the first image frame is generated by processing a plurality of data processing nodes. The transport controls are not generated by processing data processing nodes arranged in a hierarchical structure as claimed. Instead, the transport controls exist independent of any hierarchical structure and are not generated by such a structure in any way shape or form.

In response to the above previously submitted arguments, the Office Action dated July 28, 2009 rejects the claim limitation of generating a first image frame of a clip of images based on Fig. 5-503, Fig. 7-700, Fig. 8-805-808, 810, and paragraphs [0037], [0045-46], and [0049]-[0050]. Fig. 5-503 merely is merely an intermediate clip generated by processing a scaling effect (see [0037]). Fig. 7-700 illustrates a process tree (see [0047]). Fig. 8-805-808 and 810 describe nodes of a process tree where nodes 805-812 are process nodes and process 810 is a timewarp node used to produce an output node 813 (see [0049]).

More specifically, the Office Action rejects the claimed components that make up the first image frame based on Fig. 7, 700 and paragraph [0045]-[0046]. Appellants respectfully disagree with and traverse such a mapping of Trinh to the claim elements. Specifically, as claimed, a plurality of image components make up the first image frame. Further, such a first image frame is generated by processing the data processing nodes. Thus, rather than the components merely being a process or a node, the components actually make up the first image frame. Trinh's FIG. 7, label 700 merely describes a process tree (i.e., nodes that are used to create an image frame). Trinh's Fig. 7 does not describe nor illustrate various components of an image frame that is generated by processing nodes.

Again, a process tree illustrates how to generate an image frame but does not illustrate individual components that make up the frame itself as claimed.

The term "component" is further defined in the present specification and is specifically set forth as being defined by a number of nodes. Paragraph [0070] of the present invention provides examples of components that include a 3D model of a plane and vertices. Paragraph [0074] provides further examples including two airplanes, a sky, and clouds. Again, image components as claimed are not merely processing nodes but as used in the specification and claims are actual images or parts/components of an image. Accordingly, the Patent Office's attempted interpretation of the claimed image components as mere processing nodes is incorrect (both in view of the specification and in view of the actual claim limitations).

However, after establishing the above interpretation of an "image component", the Office Action proceeds to reject the selection of such a component based on FIG. 7-714. Trinh FIG. 7 provides:

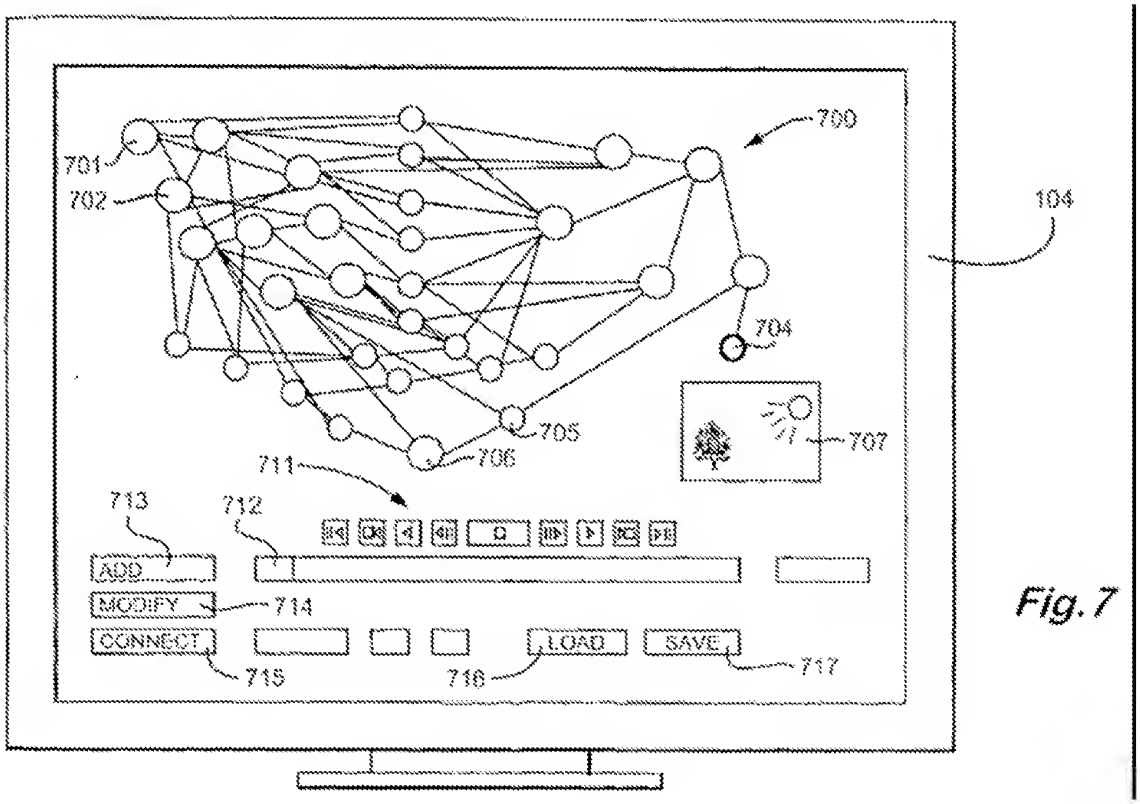

Fig. 7

As can clearly be seen, the "modify" button 714 is not even remotely similar to the claimed image component. There is simply no possible way to interpret item 714 (as asserted in the Office Action) as a selection of an image component as claimed. Instead, as set forth in Trinh [0046]: "A modify button 714 facilitates the modification of node functionality". Accordingly, it is unclear to Appellants how the Patent Office can possibly apply such a teaching to the explicit and expressly set forth claim limitations.

The claims then provide for automatically selecting a particular node based on the selected component. In rejecting such a claim limitation, the Office Action relies on Trinh paragraphs [0046]-[0049], [0052], [0056][, and Fig. 7-711. As can be seen above, item 711 of Fig. 7 is merely a transport control that enables the user to select frames for rendering and to quickly move to any part of a final clip (see [0046]). Again, the ability to move to a different part of a clip is not even remotely similar to automatically selecting a particular node based on a particular image component selected from a single frame of a clip (as claimed). Trinh simply fails to remotely allude to such a teaching and capability.

Lastly, the claims provide for displaying editing tools relevant to the automatically selected node. In rejecting this claim element, the Office Action relies on lines 6-8 of paragraph [0056] and [0046] and Fig. 7. As described above, lines 7-8 of paragraph [0056] merely describe the ability to request a frame by specifying a frame number. Again, Appellants are at a loss as to how the selection of a particular frame number teaches the display of an editing tool that is relevant to a particular data processing node (as claimed).

In view of the above, Appellants submit that Trinh completely and entirely fails to teach, both implicitly and explicitly, multiple aspects of the explicit claim limitations. In this regard, the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

2. Dependent Claims 2 and 15

The dependent claims specify limitations that explicitly provide for and define the different components that are used in the claims. The combination of the dependent claims with the independent claims renders it impossible to read the cited art on the amended claims.

For example, dependent claims 2 and 15 provide that the first data processing node that defines the image frame and its components is a sub-structure of the hierarchical structure that defines the component. The Office Action rejects these claim limitations based on Trinh's process node of FIG. 6-608 and paragraph [0040]. However, Trinh's process node 608 is simply a single process node and is not defined as a sub-structure of a hierarchical structure that defines a particular component of an image frame. Instead, it is a single process or effect (see paragraph [0040]).

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

3. Dependent Claims 3 and 16 are Not Separately Argued

4. Dependent Claims 4, 17, 28, and 32

Dependent claims 4, 17, 28, and 32 provide details regarding the selection of the node based on the indication of the image component in the image frame. More specifically, based on the identification of the image component, these claims provide for identifying the plurality of data processing nodes that defines the image component. Thereafter, a plurality of layers are defined by identifying nodes with a plurality of children nodes. The layer that includes the identified processing node is then identified. Lastly, the top node of the identified layer is selected. In other words, based on the user input that indicates a specific image component, the system first identifies the nodes that defines the indicated image component, then identifies the layer that includes those identified nodes, followed by the selection of the top node in that identified layer.

In rejecting these claims, the Office Action first relies on paragraph Trinh [0046] for identifying the plurality of data processing nodes. As described above, paragraph [0046] merely refers to Fig. 7 and provides for using a timeline to move through a clip. Further, [046] provides for adding a node to the process tree using various buttons. Thus, rather than identifying a node based on an image component that is selected, Trinh does not even contemplate such a selection.

The Action then relies on Fig. 6-613, paragraph [0041] for identifying the layer that includes the identified processing node. Again, Fig. 6 and nodes 607-613 merely describe various process

nodes. There is no determination of whether a particular layer includes a plurality of data processing nodes that are used to create an image component as claimed. Instead, FIG. 6 merely depicts various processing nodes – a concept not even remotely relevant to the specific limitations of the claims.

The action rejects the selection of the top node of the identified layer based on Trinh [0050]. Such a paragraph describes a timewarp node 810 with various input and output frame requirements and the repeated retrieval of information until sufficient frames have been generated for a single frame of output data based on those requirements. Appellants are unaware of how such processing requirements are relevant to the selection of the top node of a particular identified layer that is responsible for the creation of an image component of a frame (as claimed). Instead, such a teaching of Trinh does not recognize the problem of the present invention, fails to provide a remotely relevant solution, and does not and cannot possibly anticipate nor render these claims obvious. Trinh just does not teach the express claim limitation, implicitly or explicitly.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

5. Dependent Claims 5 and 18

Claims 5 and 18 are similar to claims 4, 17, 28, and 32 in the first 3 steps. However, rather than selecting the top node as in claims 4, 17, 28, and 32, claims 5 and 18 select the bottom node of the identified layer.

In rejecting these claims, the Office Action relies on Fig. 7-711, paragraph [0046], paragraph [0049], and Fig. 8-806. FIG. 7-711 points to the controls for moving through a timeline. Fig. 8-806 is merely a process node (see [0049]). Again, nowhere in Trinh is there a remote reference to the selection of a bottom node of a particular layer as claimed. Such a description simply does not exist in Trinh. In this regard, the use of buttons to advance through a timeline has no relevance with respect to selecting a particular node (top or bottom) of a particular layer where that layer includes processing nodes used to define a particular identified image component.

In view of the above, Appellants again submit that the Office Action is clearly in error and

fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

6. Dependent Claims 6 and 19

Claims 6 and 19 provide for identifying one of the data processing nodes that defines the image component and selecting a closest node above the identified node that has the same parent node as at least one other node. In other words, once a particular node that is used to define an image component is identified, the closest parent node is then selected.

In rejecting these claims, the Office Action again relies on Fig. 7-715, and paragraph [0046], liens 15-17 which provide:

> "A connect button 715 facilitates connection between process nodes in the process tree."

Appellants cannot determine the relevance of such language to the present claims. In this regard, merely clicking a button that has the words "connect" on the top of the button to connect two nodes in a process tree is wholly and completely irrelevant to the selection of a particular node in a process tree or more specifically, the selection of a closest node above an identified node as claimed. Trinh does not and cannot teach, disclose, or suggest, implicitly or explicitly the specific language recited in these claims.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

7. Dependent Claims 7 and 20

Claims 7 and 20 provide for selecting a portion of a hierarchical structure that is appropriate for the selected image component and contains the data processing node used to generate that image component. Thereafter, third image data is generated (and displayed) that provides a depiction of the portion of the hierarchical structure. Again, rather than merely being a frame, the claims explicitly provide that the image components make up the first image frame and further that the data processing nodes are processed to generate the first image frame that contains the plurality of image components.

The Office Action first states that the claim limitation of selecting the portion of the hierarchical structure is equivalent to Trinh's user selecting frames that represent nodes. However, such an equivalency is an improper and incorrect interpretation of the present claims as explicitly set forth in the claim limitations. In the present invention, the claims explicitly provide that the data processing nodes are processed to generate the first frame of a clip of image frames and a plurality of image components make up the first image frame. Thus, the claimed nodes do not represent frames as asserted in the Office action. Further, in the present claims, the user does not select a frame but instead selects an image component that makes up the frame – a very different concept and practice.

In the generation and display of the third image component that represents the portion of the hierarchical structure, the Office Action relies on Fig. 5-508, Fig. 7-707, and [0045]-lines 10-12. FIG. 5-508 is an "effect" that is used to form an intermediate clip (see [0037]). Fig. 7-707 is an image window that displays an image frame (see [0045]-lines 10-12). Again, nowhere is a particular portion of a hierarchical structure selected, generated, and displayed as set forth in the claim language. Instead, the Patent Office points to irrelevant language of Trinh that neither teaches, nor discloses the claim language in any way, shape, or form.

In view of the above, Appellants respectfully submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

8. Dependent Claims 8 and 21

Claims 8 and 21 depend on claim 7 and 20 respectively, and further provide that the third image data includes a display of parameters relating to the first data processing node (i.e., that is used to generate the image component).

In rejecting these claims, the Office Action relies on Fig. 8-803,807, 810, par. [0049], and par. [0032]-lines 15-19. Fig. 8-803-807 are process nodes (see [0049], lines 3-4). Node 810 is a timewarp node (see [0049], line 5-8). Paragraph [0032] describes instructions for a CPU and applications for image processing as shown in FIG. 2 (lines 15-19 of para [0032] do not exist).

Again, similar to the other rejections, the relied upon language simply fails to show any of

the claim limitations. More specifically, the processing nodes do not illustrate a display of parameters relevant to any nodes (as explicitly claimed).

In view of the above, Appellants submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Thus, Appellants respectfully request reversal of the rejections.

9. Dependent Claims 9 and 22 is Not Separately Argued

10. Dependent Claims 10, 23, and 29

Claims 10, 23, and 29 provide for receiving further user input that selects a second data processing node and generating a fourth image frame that includes image components and tools relevant to the selected second data processing node. In other words, in addition to selecting a node based on the selection of the component, these claims provide for generating image components AND tools relevant to a selected node.

In rejecting the claim element relating to the generation of the image frame containing image components and tools, the Office Action relies on Trinh Fig. 8, label 806 and par [0037]. Fig. 8-806 is merely a process node (see [0049]). Paragraph [0037] describes FIG. 5 where a scene is created using various input clips, intermediate clips, and effects. However, the ability to generate a frame that contains tools relevant to a particularly selected node is wholly and completely lacking from both the cited potions of Trinh and the remainder of Trinh. In this regard, Trinh's mere use of a processing tree to render or process a clip is not what is presently claimed. Instead, the present claims explicitly provide the ability to select particular tools and generate a frame containing such tools based on a selected node. Such a teaching is lacking from the cited portions of Trinh, both explicitly and implicitly.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

11. Dependent Claims 11 and 24

Claims 11 and 24 depend on claims 10 and 23 respectively and further provide that the second node is connected to the first node if user input data indicates a vertical navigation.

In rejecting the vertical navigation aspects of these claims, the Office Action relies on Fig. 7-711, par. [0049], and par [0046], lines 1-3 while stating the user can select frames. Appellants are unaware how the mere selection of a frame teaches user input indicate vertical navigation. In this regard, Fig. 7-711 merely displays navigation tools to advance or reverse in a timeline based view. Such a timeline based navigation is not a vertical navigation as claimed. Nor is such a timeline base navigation even remotely relevant to the claimed vertical navigation upon which it is determined whether to nodes are connected.

In view of the above, Appellants submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

12. Dependent Claims 12 and 25

Dependent claims 12 and 25 provide that two nodes have the same parent if further user input indicates horizontal navigation.

In rejecting these claims, the Office Action recites the exact same portions of text used to reject claims 11 and 24. Appellants submit that the same claim language cannot be equivalent to both a horizontal navigation and a vertical navigation. Thus, the Office Action is clearly in error. Further, similar to claims 11 and 24, timeline based navigation controls are not even remotely relevant to horizontal navigation that is used to determine whether two nodes have the same parent as claimed. Such an equivalency simply does not exist.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

13. Dependent Claims 13 and 26

Claims 13 and 26 provide that two nodes are of a comparable data type but define different image components if user input indicates horizontal navigation.

In rejecting such claim limitations, the Office Action relies on Fig. 8-805, Fig. 7-711, paragraphs [0046] and [0049] stating that the user can select frames and has multiple components. Again, nowhere in Trinh is there a reference to horizontal user navigation as explicitly claimed. Further, Fig. 8-805 is merely a process node (see [0049]) that does not even remotely contemplate a condition for when two nodes are of comparable data types. In fact, a processing node is not and cannot be a data type at all. Accordingly, there is no capability to determine if two nodes are of comparable data types. In addition, the concept of two nodes defining different image components when the user input indicates horizontal navigation is not even remotely hinted at in the cited text (or remainder of Trinh). In this regard, the selection of frames with multiple components (as suggested in the Office Action) does not reflect horizontal navigation nor does it reflect comparable data types or nodes that define different image components. There is simply no comparison or remote equivalency as asserted in the Office Action.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

14. Dependent Claims 30

Claim 30 provides that movement of a user selection device in one direction results in connecting two nodes and movement in a different direction results in selecting a node of a comparable data type and that defines a different image component than that of another node.

In rejecting these claims, the Office Action merely refers to the rejection of claims 11, 12, and 13. Again, these claims provide for movement in two different directions where the difference in directions results in the performance of different actions. Nowhere in Trinh are such actions taught, described, contemplated, suggested, hinted at, or remotely alluded to.

In view of the above, Appellants again submit that the Office Action is clearly in error and fails to establish a prima facie case of unpatentability. Accordingly, Appellants respectfully request reversal of the rejections.

C. Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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CLAIMS APPENDIX

1. (PREVIOUSLY PRESENTED) Apparatus for processing image data comprising processing means, input means and display means, wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure and said processing means is configured to perform the steps of:

generating a first image frame of a clip of image frames, wherein a plurality of image components makes up the first image frame, by means of processing said plurality of data processing nodes;

outputting said first image frame to said display means;

receiving, via said input means, first user input data indicating one of said plurality of image components;

in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated image component; and

displaying editing tools relevant to said first data processing node.

2. (PREVIOUSLY PRESENTED) Apparatus according to claim 1, wherein said first data processing node is in a sub-structure of said hierarchical structure that defines said image component.

3. (PREVIOUSLY PRESENTED) Apparatus according to claim 2, wherein said sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node.

4. (PREVIOUSLY PRESENTED) Apparatus according to claim 3, wherein said processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes;

identifying the layer that includes said identified data processing node; and

selecting the top node of said identified layer.

5. (PREVIOUSLY PRESENTED) Apparatus according to claim 3, wherein said processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes;

identifying the layer that includes said identified data processing node; and

selecting a bottom node of said identified layer.

6. (PREVIOUSLY PRESENTED) Apparatus according to claim 3, wherein said processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said image component;

selecting the closest node above said identified node that has the same parent node as at least one other node.

7. (PREVIOUSLY PRESENTED) Apparatus according to claim 1, wherein in response to first further user input data said processing means performs the following steps:

selecting a portion of said hierarchical structure that is considered appropriate to said selected image component and contains said first data processing node;

generating third image data comprising a depiction of said portion; and

outputting said third image data to said display means.

8. (PREVIOUSLY PRESENTED) Apparatus according to claim 7, wherein said third image data further includes a display of parameters relating to said first data processing node.

9. (PREVIOUSLY PRESENTED) Apparatus according to claim 7, wherein said portion of said hierarchical structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node.

10. (PREVIOUSLY PRESENTED) Apparatus according to claim 1, wherein in response to second further user input data indicating navigation through said hierarchical structure said processing means performs the following steps:

selecting a second data processing node;

generating a fourth image frame comprising said plurality of image components and tools relevant to said second data processing node; and

outputting said fourth image frame to said display means.

11. (PREVIOUSLY PRESENTED) Apparatus according to claim 10, wherein said second data processing node is connected in said hierarchical structure to said first data processing node if said further user input data indicates vertical navigation.

12. (PREVIOUSLY PRESENTED) Apparatus according to claim 10, wherein said second data processing node has the same parent node as said first data processing node if said further user input data indicates horizontal navigation.

13. (PREVIOUSLY PRESENTED) Apparatus according to claim 10, wherein said second data processing node is of a comparable data type to said first data processing node but defines a different one of said plurality of image components from said indicated image component if said further user input data indicates horizontal navigation.

14. (PREVIOUSLY PRESENTED) A method of processing image data, wherein:

an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, and wherein said image frame is generated by processing a plurality of data processing nodes arranged in a hierarchical structure;

said image frame is displayed to a user;

said user manually selects one of said plurality of image components for adjusting;

in response to said selecting, a first data processing node considered to be appropriate to said image component is automatically selected; and

editing tools relevant to said first data processing node are displayed to said user.

15. (PREVIOUSLY PRESENTED) A method according to claim 14, wherein said first data processing node is in a sub-structure of said hierarchical structure that defines said image component.

16. (PREVIOUSLY PRESENTED) A method according to claim 15, wherein said sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node.

17. (PREVIOUSLY PRESENTED) A method according to claim 16, wherein said step of selecting said first data processing node comprises the following steps of:

identifying one of the plurality of data processing nodes that defines said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes;

identifying the layer that includes said identified data processing node; and

selecting the top node of said identified layer.

18. (PREVIOUSLY PRESENTED) A method according to claim 16, wherein said step of selecting said first data processing node comprises the following steps:

identifying one of the of data processing nodes that defines said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes;

identifying the layer that includes said identified data processing node; and

selecting a bottom node of said identified layer.

19. (PREVIOUSLY PRESENTED) A method according to claim 14, wherein said step of selecting said first data processing node comprises the following steps:

identifying one of the plurality of data processing nodes that defines said image component;

selecting the closest node above said identified node that has the same parent node as at least one other node.

20. (PREVIOUSLY PRESENTED) A method according to claim 14, wherein in response to further manual input a portion of said hierarchical structure that is considered appropriate to said selected image component and contains said first data processing node is displayed to said user.

21. (PREVIOUSLY PRESENTED) A method according to claim 20, wherein a display of parameters relating to said first data processing node is additionally displayed to said user.

22. (PREVIOUSLY PRESENTED) A method according to claim 20, wherein said portion of said hierarchical structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node.

23. (PREVIOUSLY PRESENTED) A method according to claim 14, wherein
said user manually selects a direction for navigation through said hierarchical structure;
a second data processing node is selected in response to said direction; and
editing tools relevant to said first data processing node are displayed to said user.

24. (PREVIOUSLY PRESENTED) A method according to claim 23, wherein if said direction for navigation is vertical then said second data processing node is connected in said hierarchical structure to said first data processing node.

25. (PREVIOUSLY PRESENTED) Apparatus according to claim 23, wherein if said direction for navigation is horizontal then second data processing node is of a comparable data type to said first data processing node but defines, a different one of said plurality of image components from said indicated image component.

26. (PREVIOUSLY PRESENTED) A method according to claim 23, wherein if said direction for navigation is horizontal then said second data processing node has the same parent node as said first data processing node.

27. (PREVIOUSLY PRESENTED) In a computer system having a graphical user interface including a display and a user interface selection device, a method of processing image data, wherein

an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, and wherein the image frame is generated by processing a plurality of data processing nodes arranged in a hierarchical structure;

said image frame is displayed to a user by means of said display;

said system responds to manual operation of said user interface selection device when said user manually selects one of said plurality of image components for adjusting;

in response to said manual selection, said system automatically identifies a first data processing node considered to be appropriate to the image component that has been selected; and

said system updates said graphical user interface to present editing tools relevant to said first data processing node.

28. (PREVIOUSLY PRESENTED) A method according to claim 27, wherein said step of selecting said first data processing node comprises the steps of

identifying one of the plurality of data processing nodes that define said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of subordinate nodes;

identifying the layer that includes said identified data processing node; and

selecting the top node of said identified layer.

29. (PREVIOUSLY PRESENTED) A method according to claim 27, wherein

said user manually selects a direction for navigation through said hierarchical structure using said user interface selection device;

a second data processing node is selected in response to said editing tools relevant to said first data processing nodes are displayed to said user via said graphical user interface.

30. (PREVIOUSLY PRESENTED) A method according to claim 29, wherein movement of said interface selection device in a first direction results in the second data processing node being connected in said hierarchical structure to said first processing node, and movement in an alternative direction results in said second data processing node being selected that is of a comparable data type to said first data processing node but defines a different one of said plurality of image components.

31. (PREVIOUSLY PRESENTED) A computer-readable medium comprising a computer program storage device storing instructions that when read and executed by a computer, results in the computer performing a method for processing image data, the method comprising:

generating an image frame of a clip of image frames, wherein a plurality of image components makes up the image frame, by processing a plurality of data processing nodes arranged in a hierarchical structure;

displaying said image frame to a user;

responding to a user's manual selection of one of said plurality of image components for adjustment;

in response to said selection, automatically identifying a first data processing node considered to be appropriate to said image component that has been selected; and

presenting editing tools relevant to said first data processing node to said user.

32. (PREVIOUSLY PRESENTED) A computer-readable medium having computer-readable instructions according to claim 31, such that when executing said instructions a computer will also perform the steps of:

identifying one of the plurality of data processing nodes that define said image component;

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of subordinate nodes;

identifying a layer that includes said identified data processing node; and

selecting the top node of said identified layer.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.